

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 92-047-C - ORDER NO. 92-547^{ve}
JULY 13, 1992

IN RE: Request of Ascom Autelca Communications,) ORDER
LTD. for Revisions to its South Carolina) APPROVING
PSC Tariff to Establish Operator Services) TARIFF
as a New Service Offering.)

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a request by Ascom Autelca Communications, Ltd. (Ascom) for revisions to its South Carolina PSC Tariff to establish Alternative Operator Services in South Carolina.

The matter was duly noticed to the public and Petitions to Intervene were filed by Southern Bell Telephone & Telegraph Company (Southern Bell) and Steven W. Hamm, the Consumer Advocate for the State of South Carolina (the Consumer Advocate).

Subsequently, a public hearing was held in the matter on May 14, 1992, at 2:30 p.m., in the Commission's Hearing Room, the Honorable Henry G. Yonce, presiding. Frank R. Ellerbe, III, Esquire, represented Ascom; Caroline N. Watson, Esquire, represented Southern Bell; Carl F. McIntosh, Esquire, represented the Consumer Advocate; and Marsha A. Ward, General Counsel, represented the Commission Staff.

Ascom presented the testimony of Gary Wang, Director of

Ascom's Regulatory Affairs, in support of its request. Based upon the testimony of Mr. Wang, the Company's Application, and the evidence of the record, the Commission makes the following findings:

FINDINGS

1. That Ascom is a subsidiary of Ascom Holding, AG, a Swiss telecommunications and technology company.
2. That Ascom is certified by this Commission to "resell telecommunications services within the State of South Carolina" by Order No. 89-725, in Docket No. 89-46-C under the name of Century Network, Inc. The Commission subsequently approved the name change from Century to Ascom through a series of Orders. See, Order Nos. 91-1024, 91-884 and 90-372.
3. That Ascom now seeks approval of a tariff which provides rates and charges for Alternative Operator Services.
4. This service will be provided primarily to pay telephones and in hospitality environments in South Carolina.
5. Based upon the Commission's initial certification and the representations of Mr. Wang in this proceeding, it appears to the Commission that Ascom has the technical ability and facilities to provide the requested service.
6. That Ascom provides adequate customer service through its provision of a 24-hour, "800" toll-free number.
7. Ascom will provide operator services in accordance with the operating standards prescribed by the Telephone Operators Consumer's Services Improvement Act of 1990. Steps taken by Ascom

include the following:

- a. Each call is branded at the beginning with "Ascom" and at the end with a "thank you for using Ascom."
- b. Operators are trained to be prepared to disclose rate and service information to the caller when requested.
- c. Ascom will allow access to other carriers and will take steps to see that hotels and pay phone providers are encouraged not to block access to other carriers.
- d. Ascom will not charge for incomplete calls.
- e. Ascom will promptly respond to customer complaints and will maintain a readily available, toll-free number for complaints.
- f. Ascom will provide, either by tent card in hospitality locations or by sticker on pay phones, the following information: that Ascom is the alternative operator service provider; that rates are available through the operator; dialing instructions will be provided; the toll-free number for customer inquiries will be provided; as well as directions for access for other operator service providers.

Based upon the foregoing, the Commission concludes as follows:

1. The Company herein shows itself to be fit, willing, and able to provide such Alternative Operator Services and that therefore its tariff filing should be approved.
2. The Company shall block or switch to the LEC all intraLATA calls which are attempted over its network. If the Company incidentally or accidentally completes any intraLATA calls, the LEC should be compensated as ordered by the Commission in Order No. 86-793, issued August 5, 1986, in Docket No. 86-187-C.
3. A rate structure incorporating a maximum rate level with flexibility for downward adjustment has been previously adopted by

this Commission. IN RE: Application of GTE Sprint Communications Corporations, etc., Order 84-622, issued in Docket No. 84-10-C, on August 2, 1984. The Commission herein finds that the appropriate rate structure for Ascom should include a maximum rate level for each tariff charge; and that for intrastate interLATA operator-assisted and calling card calls, Ascom should be required to charge operator or calling card surcharges no higher than the intrastate charges then currently approved for AT&T Communications, and that for the usage portion of either type call, Ascom should be required to charge intrastate rates no higher than the intrastate rates charged by AT&T Communications at the time such call is completed.

4. An end user should be able to access another interexchange carrier or operator service provider if they so desire.

5. That Ascom should be allowed to incorporate in its tariff a surcharge for operator-assisted and calling card calls not to exceed \$1.00 for calls originated at hotels and motels and customer-owned pay telephones if such surcharge is requested by the customer. If such charge is applied; it should be paid in its entirety to the customer by Ascom.

6. That Ascom should be required to provide "tent" cards to hotels and motels for placement next to guest telephones identifying it as the provider of operator service for intrastate interLATA distance calls; and that Ascom operators should be required to brand all calls identifying itself as the carrier for

such call.

7. That Ascom should be required to furnish pay telephone owners with a sticker or information piece to be affixed to the telephone instrument by which its service may be accessed identifying the operator service as being provided by Ascom and indicating the rates charged for its service or the method for obtaining rate information.

8. That Ascom shall remain subject to all the applicable terms of its original certification.

9. That Ascom shall refile its tariff to reflect the proper charges for its AOS as required herein and to reflect a correction of the operator-dialed/customer-dialed rate error.

MOTION OF CONSUMER ADVOCATE

During the hearing, Mr. Wang revealed that Ascom had been providing AOS and had billed and collected for this service on an intrastate basis prior to this Order. At the conclusion of the hearing, counsel for the Consumer Advocate made a motion that the Commission require the Company to issue refunds for all intrastate AOS charges collected by Ascom. The basis for the Consumer Advocate's motion was that the Company must be certified to provide AOS in South Carolina and since Ascom is not certified, refunds are in order.

In response, counsel for Ascom argued that the Company has been certified to provide resold telecommunications services in South Carolina. The original tariff of the Company omitted the AOS surcharges. Ascom maintains that its authority is broad enough to

provide the service, but that it inadvertently omitted the AOS provision in its original request. The Company asked that no refund be required.

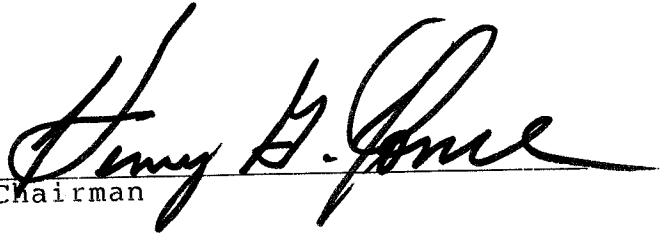
After due consideration, the Commission has determined that it will not require a refund of intrastate AOS charges collected by Ascom. The Commission has determined that Ascom was certified as a reseller of intrastate services. The Commission has taken notice of the original tariff filing and Order No. 89-725, issued in Docket No. 89-46-C. The original service contemplated by the Company was "primarily to payphone systems, private networks, and various hotel chains in South Carolina. Order No. 89-725, p. 2. The Commission notes that these users many times are users of a reseller's AOS. While the Company admits it had no tariffed rate for the service, it charged for the service consistent with the Commission's requirements. Additionally, unlike other reseller proceedings where the Commission has required refunds of intrastate charges when a company began offering its intrastate services in South Carolina before the Commission had granted a Certificate of Public Convenience and Necessity, Ascom had been certified as a reseller prior to its provision of AOS services. While the Commission does not condone the charging for any new services before Commission approval is granted, the Commission has

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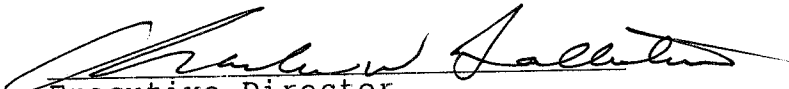
determined that a refund of such intrastate AOS charges collected by Ascom is not warranted under these circumstances.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)